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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,942	10/01/2004	Mi-Sun Sung	MUHAN1.001APC	7555
20995 7590 11/24/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER ZIEGLE, STEPHANIE M				
ART UNIT 3692		PAPER NUMBER		
NOTIFICATION DATE 11/24/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

Office Action Summary

Application No.

10/508,942

Applicant(s)

SUNG, MI-SUN

Examiner

STEPHANIE ZIEGLE

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-41 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 18-41 is/are rejected.
7) ☒ Claim(s) 19 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08 September 2008 has been entered.

Status of Claims

2. This action is in reply to the Request for Continued Examination and the Amendment filed on 08 September 2008.
3. Claims 18-41 have been added.
4. Claims 1-17 have been canceled.
5. Claims 18-41 are currently pending and have been examined.

Response to Arguments

6. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.
7. The applicant has not attempted to traversal of Examiner's Official Notice regarding to claims 7-9 and 15, as per MPEP §2144.03(C). Due to the fact that the applicant has not attempted to traversal of Examiner's Official Notice regarding claims 7-9 and 15 the statements of official notice are now taken as admitted prior art.

Claim Objections

8. Claim 19 is objected to because of the following informalities: It appears that the word leats in line 2 should read least. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
10. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "computing the monetary value is used up first" is vague and indefinite. For the purposes of this examination, the examiner will take this phrase to mean that the monetary value of the gift certificate is used up first.
11. Claims 25 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "funding the residual amount" is vague and indefinite. For the purposes of this examination the examiner will take "funding the residual amount" to mean refunding the remaining balance of the gift certificate.
12. Claim 25 recites the limitation "the owner" in limitation 2. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 31 recites the limitation "the financial institute" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

14. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. Claims 18-41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent, a method/process claim must (1) be tied to another statutory class of invention (such as a particular apparatus) (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972)). A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here claims 18-41 fail to meet the above requirements because they are not tied to a second statutory class of invention. Nominal recitations of structure in an otherwise ineligible method fail to make the method a statutory process. See *Benson*, 409 U.S. at 71-72. As *Comiskey* recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." *Comiskey*, 499 F.3d at 1380 (citing *In re Grams*, 888 F.2d 835, 839-40 (Fed. Cir. 1989)). Incidental physical limitations, such as data gathering, field of use limitations, and post-solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of structure in a method claim do not convert an otherwise ineligible claim into an eligible one.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

18. Claims 18-24, 26, 30-35, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 6,330,544), hereinafter Walker in view of Loeb et al (US 6,006,205), hereinafter Loeb and further in view of Karas et al (US 2002/0138363), hereinafter Karas.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 18:

Walker, as shown, discloses the following limitations:

- o *receiving a request for approval of using a gift certificate in connection with a credit card account, wherein the gift certificate has been issued by a gift certificate issuer and having a monetary value; [See at least column 5 lines 10 - 15]*
- o *subsequent to receiving, creating a gift certificate use limit in an amount of the monetary value within the credit card account; [See at least claim 1 limitations 2-3]*
- o *subsequent to approving, computing a total charge amount for charging to an owner of the credit card account for the plurality of transactions, wherein in computing, the monetary value is used so as to make the total charge amount smaller than the total transaction amount. [See at least column 9 lines 23-40]*

Walker does not disclose the following limitation. Loeb, however, does disclose:

- o *approving a plurality of transactions using at least one credit card associated with the credit card account, the plurality of transactions totaling a total transaction amount; [See at least Figure 9 item number 930 and related text]*

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate of Walker with the transaction of Loeb because it quickly and easily enables a customer to utilize a gift received to purchases goods and services. The combination of Walker and Loeb does not disclose the gift certificate adding credit to the receiver's bank account. Karas, however, in at least paragraph 0025 lines 6-8 does disclose using a gift to make a credit to a receiver's bank account. It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate and transaction of Walker and Loeb with the use of the gift as a credit to a bank account of Karas because reduces the risk of losing the gift certificate as well as makes it convenient for the user to pay for their item with a single form of payment.

Claim 19:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 18. Walker also discloses the following:

- o *the monetary value is used to make the total charge amount smaller than the total transaction amount without regard to whether at least part of the plurality of transactions has been made with the gift certificate issuer or merchants affiliated with the gift certificate issuer. [See at least column 9 lines 23-40]*

Claim 20:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 18. Walker also discloses the following:

- o *computing the monetary value is used up first. [See at least column 9 lines 23-40]*

Claim 21:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 18. Walker also discloses the following:

- o *the total charge amount for the plurality of transactions is the total transaction amount less the monetary value in case the total transaction amount is greater than the monetary value. [See at least column 9 lines 23-40]*

Claim 22:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 21. Walker also discloses the following:

- o *subsequent to computing, resetting the gift certificate use limit to zero. [See at least column 5 line 20 and column 9 lines 23-40 and column 17 lines 32-34]*

Claim 23:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 18. Walker also discloses the following:

- o *the total charge amount for the plurality of transactions is zero in case the total transaction amount is smaller than the monetary value.* [See at least column 9 lines 23-40]

Claim 24:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 23. Walker also discloses the following:

- o *subsequent to computing, updating the gift certificate use limit to a residual amount that is the monetary value less the total transaction amount.* [See at least column 5 line 20]

Claim 26:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 18. Loeb also discloses the following:

- o *generating a credit card account statement, which charges to the owner the total charge amount for the plurality of transactions and informs the owner that the total charge amount is smaller than the total transaction amount with use of the monetary value from the gift certificate.* [6,006,205: See at least column 8 lines 11-23]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, and credit of Walker, Loeb, and Karas with the account statement of Loeb because it easily enables the customer to visualize the charges made to an account at the close of the transaction period as well as it enables the customer to quickly make a payment to their account.

Claim 30:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 18. Walker also discloses the following:

- o *wherein the request comprises information identifying the gift certificate, wherein the method further comprises verifying that the gift certificate is valid.* [See at least column 5 lines 9-38]

Claim 31:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 30. Walker also discloses the following:

- o *verifying comprises communicating with a gift certificate database outside the financial institute.* [See at least Figure 2 item number 216 and column 17 lines 32-34]

Claim 32:

Walker, as shown, discloses the following limitations:

- o *receiving a request for approval of using a gift certificate in connection with the account, wherein the gift certificate has been issued by a gift certificate issuer and having a monetary value;* [See at least column 5 lines 10 - 15]

Walker does not disclose the following limitation. Loeb, however, does disclose:

- o *receiving information identifying a credit or bank card account, wherein the account is associated with at least one card for use in paying for purchase transactions;* [See at least Figure 9 item number 920 and related text]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate of Walker with the transaction of Loeb because it quickly and easily enables a customer to utilize a gift received to purchases goods and services. The combination of Walker

and Loeb does not disclose *upon approval of the request, registering the gift certificate for use in connection with the account such that the monetary value of the gift certificate is made available for paying transactions using the at least one card without regard to whether at least part of the transactions is made with the gift certificate issuer or merchants affiliated with the gift certificate issuer*. Karas, however, in at least paragraph 0025 lines 6-8 does disclose linking a gift to a receiver's bank account by means of a credit. It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate and transaction of Walker and Loeb with the use of the gift as a credit to a bank account of Karas because reduces the risk of losing the gift certificate as well as makes it convenient for the user to pay for their item with a single form of payment.

Claim 33:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 32. Walker also discloses the following:

- *using at least part of the monetary value to pay for at least part of the transaction.*

[See at least column 9 lines 23-40]

Loeb also discloses the following:

- *receiving a request for approval of a first transaction using the card;* [See at least Figure 9 item numbers 910 and 920 and related text]
- *approving the first transaction; and*[See at least Figure 9 item number 930 and related text]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, and credit of Walker, Loeb, and Karas with the transaction process of Loeb because it quickly and easily enables a customer to utilize a gift received to purchases goods and services.

Claim 34:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 32. Walker also discloses the following:

- o *subsequent to approving, updating the gift certificate use limit to an amount smaller than the monetary value.* [See at least column 5 line 20]

Loeb also discloses the following:

- o *approving a first transaction using the card in a first transaction amount; and* [See at least Figure 9 item number 930 and related text]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, and credit of Walker, Loeb, and Karas with the transaction process of Loeb because it quickly and easily enables a customer to utilize a gift received to purchases goods and services.

Claim 35:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 32. Walker also discloses the following:

- o *subsequent to approving, further updating the gift certificate use limit to a smaller amount.* [See at least column 5 line 20]

Loeb also discloses the following:

- o *approving a first transaction using the card in a first transaction amount; and* [See at least Figure 9 item number 930 and related text]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, and credit of Walker, Loeb, and Karas with the transaction process of Loeb because it quickly and easily enables a customer to utilize a gift received to purchases goods and services.

Claim 37:

Walker, as shown, discloses the following limitations:

- o *receiving a request for approval of using a gift certificate in connection with a bank account having an associated card for use to pay for transactions using money balance remaining in the bank account, the gift certificate having a monetary value;*
[See at least column 5 lines 10 - 15]
- o *subsequent to receiving, creating a gift certificate use limit in an amount of the monetary value within the bank account;* [See at least claim 1 limitations 2-3]
- o *subsequent to approving, using at least part of the gift certificate use limit to pay for the transaction amount and updating the gift certificate use limit.* [See at least column 9 lines 23-40]

Walker does not disclose the following limitation. Loeb, however, does disclose:

- o *approving a transaction using the associated card in a transaction amount; and* [See at least Figure 9 item number 930 and related text]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate of Walker with the transaction of Loeb because it quickly and easily enables a customer to utilize a gift received to purchases goods and services. The combination of Walker and Loeb does not disclose the gift certificate adding credit to the receiver's bank account. Karas, however, in at least paragraph 0025 lines 6-8 does disclose using a gift to make a credit to a receiver's bank account. It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate and transaction of Walker and Loeb with the use of the gift as a credit to a bank account of Karas because reduces the risk of losing the gift certificate as well as makes it convenient for the user to pay for their item with a single form of payment.

Claim 38:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 37. Walker also discloses the following:

- *wherein the at least part of the gift certificate use limit is used without regard to whether the transaction is made with an issuer of the gift certificate or a merchant affiliated with the issuer.* [See at least column 9 lines 23-40]

Claim 39:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 37. Walker also discloses the following

- *in case the transaction amount is greater than the monetary value, resetting the gift certificate use limit to zero; and* [See at least column 5 line 20 and column 9 lines 23-40 and column 17 lines 32-34]
- *in case the transaction amount is smaller than the monetary value, updating the gift certificate use limit to an amount that is the monetary value less the total transaction amount.* [See at least column 5 line 20]

19. Claims 25 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Loeb further in view of Karas and in further view of The Sal Anthony Website Policy on Gift Certificates, hereinafter Sal.

Claim 25:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 18. Loeb also discloses the following

- *receiving a request for funding of the residual amount; and* [See at least Column 2 line 18]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, and credit of Walker, Loeb, and Karas with the request for a refund

of Loeb because it easily and conveniently enables the customer to utilize the remainder portion of the gift certificate no matter how much is left. The combination of Walker, Loeb, and Karas does not disclose the following. Sal, however, does disclose:

- o *funding the residual amount to the owner.* [See at least Sal Anthony's Policy on Gift Certificates]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, request, and credit of Walker, Loeb, and Karas with the refund of Sal because it easily and conveniently enables the customer to utilize the remainder portion of the gift certificate no matter how much is left.

Claim 41:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 18. Loeb also discloses the following

- o *upon request from an owner of the bank account.* [See at least Column 2 line 18]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, and credit of Walker, Loeb, and Karas with the request for a refund of Loeb because it easily and conveniently enables the customer to utilize the remainder portion of the gift certificate no matter how much is left. The combination of Walker, Loeb, and Karas does not disclose the following. Sal, however, does disclose:

- o *subsequent to using at least part of the gift certificate use limit, funding a residual amount of the gift certificate use limit*[See at least Sal Anthony's Policy on Gift Certificates].

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, request, and credit of Walker, Loeb, and Karas with the refund of Sal because it easily and conveniently enables the customer to utilize the remainder portion of the gift certificate no matter how much is left.

20. Claims 29 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Loeb in further view of Karas and in further view of Official Notice.

Claim 29:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 18. The combination of Walker, Loeb, and Karas does not disclose the following limitation.

- *sending, to a point of the first transaction, information indicating that the first amount is covered by the gift certificate use limit so as to include the information on a first receipt of the first transaction.*

However, the Examiner takes **Official Notice** that it is old and well known in the transaction arts to print an updated balance on the transaction receipt. It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, request, and credit of Walker, Loeb, and Karas with the notification of the updated balance because it makes it simple and easy for a recipient to know when a gift has been made to them and to be fully aware of their new balance.

Claim 40:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 37. The combination of Walker, Loeb, and Karas does not disclose the following limitation.

- *sending, to a point of the first transaction, information indicating that the transaction amount is covered by the gift certificate use limit so as to include the information on a receipt of the transaction.*

However, the Examiner takes **Official Notice** that it is old and well known in the transaction arts to print an updated balance on the transaction receipt. It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, request, and credit of Walker, Loeb, and Karas with the notification of the updated balance because it

makes it simple and easy for a recipient to know when a gift has been made to them and to be fully aware of their new balance.

21. Claims 27 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Loeb in further view of Karas and in even further view of Xu (US 2003/0195840).

Claim 27:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 18. Loeb also discloses the following:

- o *wherein the credit card account has a predetermined credit limit*, [See at least Figure 4 item number 440 and related text]
- o *while the total transaction amount is equal to or smaller than the sum of the predetermined credit limit and the monetary value*. [See at least column 8 lines 11-23]

The combination of Walker, Loeb, and Karas does not disclose the following limitation. Xu, however, does disclose:

- o *wherein approving the plurality of transactions results in that the total transaction amount exceeds the predetermined credit limit* [See at least paragraph 0026]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, request, and credit of Walker, Loeb, and Karas with the exceeding the credit limit of Xu because it enables the customer to purchase their good or service in view of the temporarily increased limit, taking into account the increase due to the gift, rather than just the previously set credit limit.

Claim 36:

The combination of Walker, Loeb, and Karas, as shown in the rejection above, discloses all of the limitations of claim 32. Loeb also discloses the following:

- *wherein the credit card account has a predetermined credit limit, [See at least Figure 4 item number 440 and related text]*
- *while the accumulated total transaction amount is equal to or smaller than the sum of the predetermined credit limit and the monetary value. [See at least column 8 lines 11-23]*

The combination of Walker, Loeb, and Karas does not disclose the following limitation. Xu, however, does disclose:

- *wherein approving the first transaction results in that an accumulated total transaction amount thus far including the first transaction amount exceeds the predetermined credit limit [See at least paragraph 0026]*

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, request, and credit of Walker, Loeb, and Karas with the exceeding the credit limit of Xu because it enables the customer to purchase their good or service in view of the temporarily increased limit, taking into account the increase due to the gift, rather than just the previously set credit limit.

22. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Loeb in further view of Karas in further view of Xu and in even further view of Official Notice.

Claim 28:

The combination of Walker, Loeb, Karas, and Xu as shown in the rejection above, discloses all of the limitations of claim 18. The combination of Walker, Loeb, Karas, and Xu does not disclose the following limitation.

- *wherein the predetermined credit limit is equal to or higher than zero.*

However, the Examiner takes **Official Notice** that it is old and well known in the credit arts for the credit limit to be a positive value (above zero). It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, request, exceeding the credit limit, and credit of Walker, Loeb, Karas, and Xu with having a positive

credit limit because it keeps the credit providers in business and does not provide the customer with free money.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- o Van Dusen – US 6,175,823: Electronic Gift Certificate System
 - o Arnes et al – US 2003/0023549: Consolidated Payment Account System and Method
 - o Gary – US 7,039,601: Method and System for Monetary Gift Registry

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to

Stephanie M. Ziegler whose telephone number is **571.272.4417**. The Examiner can normally be reached on Monday-Friday, 7:30am-4:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **KAMBIZ ABDI** can be reached at **571.272.6702**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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/Stephanie Ziegler/ Examiner, Art Unit 3692
19 November 2008

/Susanna M. Diaz/
Primary Examiner, Art Unit 3692